

Zambia

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Freedom of the Press

Status Change: Zambia declined from Partly Free to Not Free due to the government's increased harassment of independent news outlets and journalists, the blocking of critical websites, and politicized decisions to deny nationwide broadcast licenses to certain radio stations.

Press freedom in Zambia experienced a series of setbacks in 2013. President Michael Sata and his ruling Patriotic Front (PF) government arrested and harassed independent journalists and news outlets, blocked critical websites, and made politicized decisions regarding the broadcast regulator and the issuing of nationwide licenses. Meanwhile, the government and the PF continued to dominate the broadcast and print outlets that reach a majority of Zambians.

The constitution guarantees freedom of expression, but the relevant language can be broadly interpreted. Journalists and media outlets face restrictions under criminal and civil defamation laws, sedition and obscenity laws, and provisions of the penal code such as the State Security Act. In 2013, Sata's government continued to demonstrate intolerance of critical media, exacting retribution through the courts as well as extrajudicial harassment. Officials specifically targeted the online news site *Zambian Watchdog*, which employs anonymous reporters and often uses inflammatory language in its criticisms of the government. In early July, the authorities raided the homes of two journalists suspected of writing for the *Zambian Watchdog*—Clayson Hamasaka and Thomas Zyambo—ostensibly to search for seditious material and drugs. The police confiscated their computers and other equipment, and the two journalists were detained without charge for over 24 hours. Zyambo was ultimately charged with sedition in connection with documents about Sata that were found in his home, and Hamasaka was charged with possession of pornography. Another journalist allegedly associated with the site, Wilson Pondamali, was arrested in mid-July and faced several charges, including malicious damage to property and attempted escape from lawful custody. He was held for two weeks before being granted bail. Separately, Richard Sakala, the owner of the *Daily Nation*, one of Zambia's few remaining independent print outlets, appeared in court with two others in December to face a charge of publishing false news; he also faced several separate cases of civil defamation during the year for printing remarks made by opposition leaders that were critical of Sata. None of the cases had been resolved by year's end.

A freedom of information bill that had been shelved by previous administrations received support when Sata and the PF took power in 2011. Although the government repeated its pledges to pass the legislation in 2013, it had yet to submit the existing bill to the parliament at the end of the year. In another impediment to the media's access to government information, Sata has never held an official press conference as president.

The governance structure of both the state broadcaster and the broadcasting regulator leaves them vulnerable to political interference. The 2010 Zambia National Broadcasting Corporation (Amendment) Act allows the information minister to select the corporation's board without first seeking nominations from an appointments committee, though the selections must be ratified by the parliament. The board is tasked with choosing the head of the state-owned Zambia National Broadcasting Corporation (ZNBC). In December 2013, Information and Broadcasting Services Minister Mwansa Kapeya unveiled the new ZNBC

board after it had been approved by lawmakers. Lawyer John Mulwila was named as the board's chairman. The ZNBC had been operating without a board prior to the appointments. Later in December, the board confirmed Chibamba Kanyama, a journalist and economist, as director general; he had been appointed by Sata earlier in the year, in apparent violation of the ZNBC Act.

The 2002 Independent Broadcasting Authority (IBA) Act was modified in 2010, granting the information minister similar powers of direct appointment for the board of the IBA, the broadcast media regulator. However, the authority remained without a board in 2013, and in June the government appointed Josephine Mapona, a former journalist, as IBA director general. In October, Information and Broadcasting Permanent Secretary Emmanuel Mwamba approved the nationwide broadcasting license applications of several local and regional radio stations. However, later that month Sata ordered Mwamba to revoke the nationwide licenses issued to privately owned Radio Phoenix and Q-FM because they had aired statements by opposition politicians. (The two stations retained their licenses to broadcast locally.) Sata said only the ZNBC and religious stations should be allowed to have nationwide licenses. Mwamba was later fired. Media freedom groups, including the Committee to Protect Journalists and the Media Institute of Southern Africa (MISA), criticized the decision to revoke the licenses; MISA said it ran counter to the IBA's mission to "promote media pluralism and diversity." The organization also expressed concern over the government's continued failure to appoint an IBA board, its interference in the broadcast licensing process, and a general lack of clarity regarding the IBA's mandate.

In 2012, the PF government approved the launch of the voluntary, independent Zambia Media Ethics Council (ZAMEC) with the full participation of the public media, which account for an estimated two-thirds of Zambia's media workers. ZAMEC was responsible for drafting a code of ethics that its national governing council would enforce. In March 2013, ZAMEC adopted a constitution and appointed a governing council, but it had yet to become fully operational due to a lack of funding.

Upon taking power, the Sata government had pledged to free the public media—consisting of the ZNBC and the widely circulated dailies *Zambia Daily Mail* and *Times of Zambia*—from government control. However, according to media monitoring groups, these outlets have generally continued to report along progovernment lines. Self-censorship at public media outlets reportedly remains common, and journalists from mainstream outlets often turn to anonymous blogging to express themselves freely due to the threat of legal action and attacks by PF cadres. The only large-circulation private daily, the *Post*, has long been a vocal supporter of the PF, meaning all major print and broadcast outlets currently favor the PF government. Smaller, independent print and online outlets, such as the *Daily Nation*, the *Zambian Watchdog*, and another news website, *Zambia Reports*, have faced increasing legal and extrajudicial harassment.

In late June 2013, the *Zambian Watchdog* site, which is hosted outside the country, was blocked by internet service providers in Zambia. It eventually became completely inaccessible via web browsers inside Zambia and, for some periods, outside the country as well, although its content could be viewed on mobile phones, using circumvention tools, and on its Facebook page. *Zambia Reports* was also blocked at various times during the year.

In 2013, journalists were faced with harassment and physical attacks, both in the course of their work and in retaliation for their reporting, and media practitioners reported a general climate of increased intimidation. In arresting Hamasaka and Zyambo, police raided their homes in the early morning, accompanied by drug enforcement agents. Pondamali spent nearly a week in the hospital during his detention, and while there he was reportedly chained to his bed. In February, MISA reported that several district commissioners had been threatening local community media outlets and their personnel with physical violence and the withdrawal of licenses after the outlets reported critically on the officials. In May, two photojournalists—one from the *Post* and one working independently—were treated roughly by army

personnel while trying to photograph dignitaries during an official ceremony. And in June, men suspected of being PF supporters beat journalists who were covering a protest led by civil society activists and clergy members against the government's recent decision to remove subsidies on fuel and maize. The men also attacked the protesters. There were several other incidents during the year in which PF party cadres attacked reporters or photojournalists.

Although the media industry is dominated by the ZNBC, the two state-owned papers, and the pro-PF *Post*, there are several private television stations with smaller audiences, some independent papers, and a growing number of private radio stations. There are also at least 70 community radio stations, though they are limited to broadcasting within a 150-kilometer radius. International broadcast services are not restricted. Some radio stations, including Radio Phoenix, UNZA Radio, and Pan African Radio, carry call-in shows that express diverse and critical viewpoints. Radio remains the medium of choice in most of the country because of its relatively low cost of access, but many stations face financial difficulties due to their dependence on sponsored programming and the small advertising market. Reception of both state and private television signals throughout the country remains poor. There is also a state-owned national news agency, the Zambia News and Information Services (ZANIS).

The costs of newsprint and ink (which include substantial import duties and taxes), printing, and distribution remain very high, hampering print outlets' ability to increase their readership. The government sometimes uses advertising as a tool to influence media content and coverage. In 2013, for example, government ministries and agencies were prohibited from advertising in the *Daily Nation* due to its critical reporting. There have also been reports of private companies avoiding such outlets out of fear of government retaliation. Despite the blocking of websites in 2013, the internet remains one of the freest spaces for journalists and bloggers to express criticism of the government. However, few Zambians are able to access the medium; internet penetration in 2013 was only around 15 percent of the population, due mainly to high costs.

2014 Scores

Press Status

Not Free

Press Freedom Score

(0 = best, 100 = worst)

61

(0 = best, 30 = worst)

18

(0 = best, 40 = worst)

24

(0 = best, 30 = worst)

19

